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DATE: 13 April 2005

ATTN: Petition

Desk Phone:

FROM: Michael C. Sachs

Desk Phone: 973-724-6595

SUBJECT: SN 10/707272, Filed 12/02/2003, SYSTEM AND METHOD FOR A FLAMELESS TRACER/MARKER UTILIZING HEAT MARKING CHEMICALS by Manole, et. al.

Pages sent including header: 21

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RECEIVED
PCT/USPTO
APR 13 2005

Docket No.: 2003-056

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:
Application of:

MANOLE, Leon R. et. al.

Serial No.: 10/707272 Group Art Unit: 3644

Filed: 12/02/2003 Examiner: HAYES, Bret C.

FOR: SYSTEM AND METHOD FOR A FLAMELESS TRACER/MARKER UTILIZING HEAT MARKING CHEMICALS

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Honorable Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

Applicants hereby petition the Commissioner to withdraw the holding of abandonment of the above application, to revive the application unavoidably abandoned by the USPTO on 03/30/2005 for: Failure to Respond to Office Action dated 05 Aug 2004, and now allow prosecution of this case to resume.

According to the enclosed papers found in this case file, the Response to the Office Action was actually faxed in on 23 August 2004 to the USPTO. Therefore, the Response should be given credit to have been received in the USPTO on 23 August 2004 and deemed as timely filed.

A copy of the Certificate of Transmission under 37 CFR 1.8 is provided, as well as a copy of the Auto-Reply Facsimile Transmission and Response, and should mean the Response is treated as received as on 23 August 2004, even if somehow misplaced. Kindly now therefore allow this case to return to examination by the Examiner.

A petition fee of \$130.00 is enclosed on this accompanying fee letter, which also authorizes the payment of necessary further fees that might be required by the PTO for this Petition if the sum of \$130.00 is too low. Such fees are authorized to be charged to our Army Deposit Account No. 19-2201.

Docket No. 2003-059

It is further requested that the \$130.00 be refunded to Applicants if the PTO agrees that the abandonment was an error by the PTO, rather than fault of Applicants.

The undersigned hereby certifies that the attached papers are a true copy of Applicants' records, and further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements, and the like so made are punishable by fines or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Respectfully,



MICHAEL C. SACHS
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13 April 2005
Date

Mailing Address:
US ARMY RDECOM-ARDEC
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APR 13 2005

Docket No. 2003-056

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Manole, et al.
Serial No.: 10/707272
Filing Date: 12/02/2003
Docket No.: 20032-032
Examiner: HAYES, Bret C.
Title: SYSTEM AND METHOD FOR A FLAMELESS TRACER/MARKER UTILIZING HEAT MARKING CHEMICALS

FEE LETTER

Honorable Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The PTO is hereby authorized to charge the sum of \$130 from the Army's Deposit Account 19-2201 for the petition fee for the enclosed petition to withdraw holding of abandonment.

The PTO is also authorized to charge the corrected fees for the above-described services, in the event the undersigned has misquoted or miscalculated the correct prices in the amount that was authorized herein.

4/13/05
DATE

Michael C. Sachs

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